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Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	No. 3:12-
	)	
Plaintiff,	)	<b><u>VERIFIED COMPLAINT FOR</u></b>
	)	<b><u>FORFEITURE IN REM</u></b>
vs.	)	
	)	
\$3,000.00 PERSONAL CHECK MADE	)	
TO THE ORDER OF U.S. DISTRICT	)	
COURT,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff, the United States of America, by and through counsel, alleges the following:

**I. NATURE OF THE ACTION**

1. This is a civil action *in rem* brought to forfeit and condemn to the use and benefit of the United States of America the following property: \$3,000.00 PERSONAL CHECK MADE TO THE ORDER OF U.S. DISTRICT COURT (“Defendant Property”),

which is hereby alleged to be the forfeitable interest of Olivia Foote in that certain 2010 Subaru Legacy Sedan, VIN 4S3BMBG60A3212772 (“vehicle”).

## **II. JURISDICTION AND VENUE**

2. This court has jurisdiction over this action under 28 U.S.C. §§1345 and 1355. The United States is the plaintiff in this proceeding and this is a forfeiture action under the laws of the United States.

3. The court has venue pursuant to 28 U.S.C. § 1395. The defendant property was seized within the District of Alaska.

## **III. RELEVANT FACTS**

4. On March at 15, 2011, Drug Enforcement Administration (DEA) found a suspicious package at the FedEx distribution center in Anchorage Alaska. *See* Affidavit of Special Agent Daniel P. Lakin.

5. The drug detection canine indicated there was the odor of narcotics in the package.

6. After obtaining a search warrant the package was opened and found to contain a controlled substance.

7. The package was wired with a beacon device to alert law enforcement when it was opened and returned to FedEx to be delivered.

8. The package was delivered to the destination address and retrieved by a person who was a passenger in the vehicle.

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9. Law enforcement followed the vehicle until the beacon device indicated the package was opened.

10. Law enforcement pulled the vehicle over and requested the occupants to exit the vehicle.

11. The driver of the vehicle was identified as Olivia Foote who was detained.

12. Records at the State of Alaska Division of Motor Vehicles indicated the vehicle was registered to James Foote or Olivia Foote.

13. Subsequent to being detained Olivia Foote admitted she had transported narcotics in the past.

14. Law enforcement obtained a search warrant for the vehicle and found the Fedex Package containing the heroin.

15. James Foote has provided the government with a sworn statement in which he asserts that he knew nothing of Olivia Foote's addiction and use of the vehicle for drug facilitation, along with evidence showing that he paid for (and is the innocent owner) all but \$3000.00 of the equity in the vehicle. *See* Exhibit A.

#### **IV. CLAIM FOR RELIEF**

16. Plaintiff incorporates the allegations of paragraphs 1 through 15 above.

17. Based on the foregoing, and the attached affidavit of Special Agent Daniel P. Lakin, which is incorporated herein, defendant property is the interest of Olivia Foote in the vehicle which was used to facilitate the commission of a violation of Subchapter I

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of the Controlled Substances Act. As such, defendant property is subject to forfeiture under 21 U.S.C. § 853(a)(2).

## **V. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for relief as follows:

1. The court condemn and forfeit the defendant property to the United States;  
and
2. For other such relief as found appropriate.

DATED August 16, 2012, in Anchorage, Alaska.

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s/James Barkeley  
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## VERIFICATION

I have read the above complaint and know its contents. The matters stated in the complaint are true based upon my own knowledge, or are alleged upon information and belief and I believe them to be true.

I declare under penalty of perjury that the foregoing statement is true and correct.

EXECUTED on B-16-2012 in Fairbanks, Alaska.

A handwritten signature in dark ink, appearing to read "Daniel P. Lakin", is written over a horizontal line.

Daniel P. Lakin  
Special Agent  
Drug Enforcement Administration

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